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THE CITY OF SAN DIEGO

OFFICE OF THE INDEPENDENT BUDGET ANALYST REPORT

Date Issued: March 20, 2008

IBA Report Number: 08-27

City Council Date: March 24, 2008

Item Number: 202

Rooming House Ordinance

OVERVIEW

On Monday, March 24, 2008 the City Council will consider approving the Rooming House Ordinance. This item was first heard at the November 19, 2007 City Council meeting where the Council voted to continue the item with the direction that the City Attorney, Mayor, and Development Services staff work together to address any unresolved issues and on crafting ordinance language. Based on conversations with the Mayor's staff and the City Attorney's office, both are satisfied with the current version of the ordinance.

The Rooming House Ordinance prevents the practice of rooms being rented individually to a large number of tenants as a business. This is accomplished by limiting landlords from renting rooms individually. Enforcement of this ordinance would be typically complaint driven but could also be enforced in conjunction with other mini-dorm related regulations. Other mini-dorm enforcement regulations previously approved by the City Council include the Administrative Citation Program, Physical Development Regulations, and the Residential High Occupancy Permit.

FISCAL/POLICY DISCUSSION

Fiscal Impact of the Rooming House Ordinance

In the City Attorney's February 19, 2008 Executive Summary Sheet, staff reports the Fiscal Considerations as none. However, in a November 14, 2007 report by the Mayor's staff to the City Council on the Residential High Occupancy Permit (#07-179), staff stated that there could be a workload and fiscal impact with the implementation of the Residential High Occupancy Permit (RHOP) and/or the Rooming House Ordinance



Office of Independent Budget Analyst

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(RHO). Staff also indicated that it would be difficult to estimate the type of case volume and felt that if these ordinances yielded similar results to that of other mini-dorm regulations, they expected an estimated 60-120 requests for investigation to be generated annually. The field work related to these ordinances would be absorbed by the existing Neighborhood Code Compliance (NCC) staff. Staff also recommended that until the case load and impact on workload could be quantified, adding additional resources would be premature.

In recent discussions with the Development Services Department (DSD) and NCC staff, they have stated that they are still in the process of implementing the RHOP and have not seen a great impact on workload to gauge performance. In addition, in October 2007, the Land Use & Housing Committee approved the expansion of the Administrative Citation Program Citywide. Initially, it was thought that the expansion of the program would have a substantial impact on the San Diego Police Department and NCC. It was estimated by staff that the expansion of the program would result in approximately 400 citations per year. However, recent data provided by NCC indicates that the workload impact has not been as great as initially thought. For the period of April – October 2007, 75 citations were issued. Since the expansion of the program to Citywide in October, only 25 additional citations have been issued. Staff attributes this to the awareness and success of the program.

DSD staff has also indicated that they are seeing fewer requests for renovations related to multi-family dorm type remodels. This is due to the Physical Development Regulations implemented starting in August 2007. The new regulations prevented smaller lots from having a high number of bedrooms and excess hardscape/surface parking. It also prevents the previous trend towards garage conversions and 6+ bedrooms in campus impact areas.

IBA Recommendations

In our January 11, 2008 report on the RHOP, we agreed with the Mayor's plan to wait until case load volume and impact on workload could be quantified before requesting additional resources, if necessary. ***We recommended that the staffing and workload impacts, if any, be discussed as part of the Fiscal Year 2009 Budget hearings where the overall challenges facing the department and the impacts of the new regulations could be discussed and prioritized if necessary. We still agree with this recommendation.*** We also recommend that the following information be provided to the City Council as part of the Proposed Fiscal Year 2009 Budget or under separate cover prior to the budget hearings on DSD and NCC:

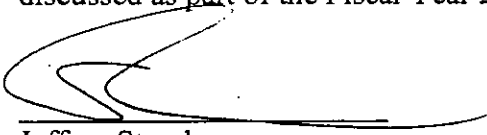
- Performance measures that enable the City Council and public to gauge current workload and the impacts of mini-dorm related programs on the departments.
- Information on the fines collected by NCC and how these funds are used. Currently, fines collected by NCC reside with the department and are used to fund

training for department staff. In Fiscal Year 2007, \$197,489 was collected in NCC fines, and in Fiscal Year 2008 the department is estimated to collect \$220,000. A discussion should occur on the current uses of these fines and the possibility of using these funds for purposes other than training.


- NCC is primarily funded by the General Fund. However, some special enforcement programs are funded by CDBG, CCDC and SEDC contracts. In November 2005, the U.S Department of Housing and Urban Development (HUD) conducted an audit of the City's CDBG Program. A concern raised by the HUD auditors was the possibility of supplanting of the City's General Fund responsibilities with CDBG funds. In response to HUD's concerns, City CDBG staff agreed to work with the NCC department to develop a "comprehensive plan" to ensure that CDBG funds are only used for eligible activities. This plan is to be in effect by July 1, 2008. A discussion should occur during the budget hearings on the impact of the comprehensive plan on workload and other NCC programs.

CONCLUSION

The IBA recommends the approval of the Rooming House Ordinance. The Rooming House Ordinance is an additional tool to supplement existing regulations and enforcement programs to address mini-dorms. Although the workload impacts to the departments are still relatively unknown, recent information provided by DSD and NCC indicates that the impacts are not as great as was expected. The mini-dorm related regulations were put in place to be a deterrent and current data reflects that they are working. However, it is important that the staffing and workload impacts, if any, be discussed as part of the Fiscal Year 2009 Budget hearings.



Jeffrey Sturak
Fiscal & Policy Analyst



APPROVED: Andrea Tevlin
Independent Budget Analyst

000275

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04/15

REQUEST FOR COUNCIL ACTION

CITY OF SAN DIEGO

1. CERTIFICATE NUMBER
(FOR AUDITOR'S USE ONLY)

TO: Mayor and City Council

2. FROM (ORIGINATING DEPARTMENT):
City Attorney3. DATE:
February 19, 2008

4. SUBJECT:

Rooming House Ordinance (O-2008-61)

5. PRIMARY CONTACT (NAME, PHONE & MAIL STA.):

Marianne Greene, Deputy City Attorney, x35822, MS 59

6. SECONDARY CONTACT (NAME, PHONE & MAIL STA.):

Shirley Edwards, Chief Deputy Attorney, x35826, MS 59

7. CHECK BOX IF REPORT TO
COUNCIL IS ATTACHED ☐

8. COMPLETE FOR ACCOUNTING PURPOSES

FUND	na				9. ADDITIONAL INFORMATION / ESTIMATED COST:
DEPT.	045				
ORGANIZATION	18530				
OBJECT ACCOUNT	na				
JOB ORDER	001853				
C.I.P. NUMBER	na				
AMOUNT	na				

10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIG DEPT	<i>Karen Hanson</i>	2/21/08	8	DEPUTY CHIEF		
2	DSD	<i>[Signature]</i>	2/25/08	9	COO		
3	EAS	<i>C. O. Edwards</i>	2/25/08	10	CITY ATTORNEY	<i>Marianne Greene</i>	
4	LIAISON OFFICE			11			
5				DOCKET COORD: _____ COUNCIL LIAISON: _____			
6				✓	COUNCIL PRESIDENT	<input type="checkbox"/> SPOB <input type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION	
7						<input type="checkbox"/> REFER TO: _____ COUNCIL DATE: _____	

11. PREPARATION OF: ☐ RESOLUTION(S) ☒ ORDINANCE(S) ☐ AGREEMENT(S) ☐ DEED(S)

Preparation of an ordinance to amend the Land Development Code Chapter 11, Article 3, Division 1; Chapter 13, Article 1, Divisions 1-6; and Chapter 14, Article 2, Division 5 to:

- Define a rooming house as a dwelling unit where three or more rooms are rented individually or separately, to tenants under separate rental agreements.
- Exclude rooming houses from RS, RM-1, and RM-2 zones, but allow them as a permitted use in RM-3 and RM-4 zones, and in most commercial zones.
- Establish a 3 year phase out period for existing rooming houses.
- Apply an appropriate off-street parking space ratio based on the number of tenants of a rooming house.

11A. STAFF RECOMMENDATIONS: The City Attorney recommends adoption of the ordinance.

12. SPECIAL CONDITIONS:

COUNCIL DISTRICT(S): Council Districts 1, 2, 3, 4, 5, 6, 7, 8

COMMUNITY AREA(S): Citywide

ENVIRONMENTAL IMPACT: As determined by Development Services, the ordinance is categorically exempt pursuant to CEQA Guidelines Section 15301, for existing facilities.

HOUSING IMPACT: The ordinance is consistent with the City of San Diego General Plan because it does not regulate housing density or occupancy limits, and neither increases nor decreases

the housing inventory of the City of San Diego. Further, because the ordinance does not propose to develop new housing or regulate the physical development of any housing, the inclusionary housing regulations are not triggered. Rooming house tenants will have three years to seek replacement housing whether in RM-3 and RM-4 unit zoned areas, or commercial zones, where dwelling units exist with similar densities and characteristics as rooming houses, or in other residential zones, in alternative living arrangements, where tenants have common access and financial responsibility for use of the dwelling unit as a whole. In RS zones, dwelling units that were once rooming houses can be re-marketed as whole house rentals rather than by the room. All property owners in RS, RM-1, and RM-2 zones would continue to be allowed to rent up to two rooms to two boarders or lodgers as an accessory use to a primary dwelling unit. (SDMC §141.0301) It should also be noted that the ordinance will not apply to housing for disabled persons, such as the mentally ill, which are protected by federal and state fair housing laws, and will not apply to senior and transitional housing that is otherwise subject to Separately Regulated Use regulations in Chapter 14, Article 1 of the Land Development Code.

OTHER ISSUES:

None.

CITY CLERK INSTRUCTIONS: Mail notice of public hearing to the *Citywide always* and the *local coastal program* lists. Publish notice of public hearing as one-eighth page advertisement in newspaper. Send draft copy of the docket entry to Deputy City Attorney, Marianne Greene, for review. Please notify Deputy City Attorney, Marianne Greene, of the effective date of the ordinance following its adoption by City Council and signing by the Mayor.

EXECUTIVE SUMMARY SHEET
CITY OF SAN DIEGO

DATE ISSUED:
February 19, 2008

REPORT NO:

ATTENTION: Mayor and City Council
ORIGINATING DEPARTMENT: City Attorney
SUBJECT: Rooming House Ordinance [O-2008-61]
Project No. 137077
COUNCIL DISTRICT(S): Council Districts 1, 2, 3, 4, 5, 6, 7, 8
CONTACT/PHONE NUMBER: Marianne Greene, Deputy City Attorney, (619) 533-5822

REQUESTED ACTION: Adopt the Rooming House Ordinance

CITY ATTORNEY RECOMMENDATION: Adopt the Rooming House Ordinance.

EXECUTIVE SUMMARY: The ordinance will address the chronic and growing problem of commercial overuse of dwelling units in RS unit zones, and consistent with the purposes of these zones, it will protect the neighborhood quality of life, and will minimize adverse impacts between adjacent properties. The ordinance would amend both the Land Development Code and the Local Coastal Program and would apply citywide. Specifically, the ordinance would do the following:

- Define the following term *rooming house* as a dwelling unit where three or more rooms are rented individually or separately, to tenants under separate rental agreements. (Ch. 11, Art. 3)
- Exclude rooming houses from RS, RM-1, and RM-2 unit zones; allow them as a permitted use (by right) in RM-3 and RM-4 unit zones, and in most commercial zones where mixed-use is appropriate. (Ch. 13, Art. 1)
- Establish a three-year phase out period for existing rooming houses, based upon factors that balance the public interest against the private harm. (Ch 13, Art. 1)
- Apply a basic off-street parking space ratio of 1 space per tenant except under certain situations where the ratio decreases fractionally. (Ch. 14, Art. 2)

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: On July 9, 2007, the City Attorney presented a draft rooming house ordinance to City Council as an informational item. Extensive public testimony uniformly supported adoption of a rooming house ordinance, and City Council unanimously passed a motion supporting the return of a rooming house ordinance by early Fall, including consideration by Planning Commission, and targeted community planning groups. On September 6, 2007, Planning Commission voted unanimously to recommend adoption of a rooming house ordinance with the following changes: 1) a phase-out period of 3 years (instead of 7 years) for existing rooming houses; 2) an elevated review process for Neighborhood Use Permits to expand existing rooming houses; and, 3) application of the ordinance to rooming houses where fewer than three rooms and three separate rental agreements still results in multiple, independent

living units. On November 19, 2007, City Council voted 6-2 to have the ordinance specifically revised, and to address outstanding concerns of Development Services Department.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: The City Attorney has presented drafts of the ordinance to over a dozen Community Planning Groups and the Community Planners Committee. The ordinance has been posted on the City Attorney website since before the City Council meeting of July 9, 2007. In addition, there have been numerous hearings and public forums on the issue since September 19, 2006, as described above in the section on previous legislative action.

KEY STAKEHOLDERS AND PROJECTED IMPACTS: Rooming house tenants will have three years to seek replacement housing whether in RM-3 and RM-4 unit zoned areas, or commercial zones, where dwelling units exist with similar densities and characteristics as rooming houses, or in other residential zones, in alternative living arrangements, where tenants have common access and financial responsibility for use of the dwelling unit as a whole. The ordinance will not cause the loss of dwelling units or rental units because it regulates the commercial structuring of rentals in selected zones; it does not restrict whether a dwelling unit may be rented, or the number of tenants in each rental. In RS zones, dwelling units that were once rooming houses can be re-marketed as whole house rentals rather than by the room. All property owners in RS, RM-1, and RM-2 zones would continue to be allowed to rent up to two rooms to two boarders or lodgers as an accessory use to a primary dwelling unit. (SDMC §141.0301) It should also be noted that the ordinance will not apply to housing for disabled persons, such as the mentally ill, which are protected by federal and state fair housing laws, and will not apply to senior and transitional housing that is otherwise subject to Separately Regulated Use regulations in Chapter 14, Article 1 of the Land Development Code.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

Marianne Greene

By
Marianne Greene
Deputy City Attorney

MG:mg
2/19/2008
Or.Dept: City Attorney
O-2008-61

CITY ATTORNEY DIGEST

DATE OF FINAL PASSAGE _____

EFFECTIVE DATE _____

AN ORDINANCE REGARDING THE REGULATION OF ROOMING HOUSES AMENDING THE SAN DIEGO MUNICIPAL CODE BY AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1, BY AMENDING SECTION 113.0103; BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 1, BY AMENDING SECTION 131.0112; DIVISION 2, BY AMENDING SECTION 131.0222; DIVISION 3, BY AMENDING SECTION 131.0322; DIVISION 4, BY AMENDING SECTIONS 131.0422 AND 131.0423; DIVISION 5, BY AMENDING SECTION 131.0522; DIVISION 6, BY AMENDING SECTION 131.0622; AND, BY AMENDING CHAPTER 14, ARTICLE 2, DIVISION 5, BY AMENDING SECTION 142.0525.

The purpose of the rooming house ordinance is to address the chronic and growing problem of commercial overuse of dwelling units in residential single (RS) dwelling unit zones. It would preserve and protect the neighborhood quality, character, livability, and impacts to adjacent properties, in both RS and lower density residential single (RM) dwelling unit zones. The ordinance would more appropriately locate rooming houses in higher density RM dwelling unit zones, with similar housing densities and neighborhood characteristics and adjacent land uses, and in appropriate commercial zone. In summary, the rooming house ordinance would specifically accomplish the following:

- Define a rooming house as a dwelling unit where three or more rooms are rented individually or separately, to tenants under separate rental agreements, by amending Chapter 11, Article 3, Division 1, Section 113.0103;
- Exclude rooming houses from RS, RM -1, and RM-2 zones, but allow them as a permitted use (by right) in RM-3 and RM-4 zones, and in most commercial

zones, by amending Chapter 13, Article 1, Division 2, Section 131.0222; Division 3, Section 131.0322; Division 4, Sections 131.0422 and 131.0423; Division 5, Section 131.0522; and, Division 6, Section 131.0622;

- Establish a three-year phase out period for existing rooming houses, based upon factors that balance the public interest against the private harm, by amending Chapter 13, Article 1, Division 1, Section 131.0112(a)(3)(A); and,
- Apply a basic off-street parking space ratio of 1 space per tenant except under certain situations where the ratio decreases fractionally, by amending Chapter 14, Article 2, Division 5, Section 142.0525.

The rooming house ordinance would amend both the Land Development Code and the Local Coastal Program and apply Citywide.

This ordinance contains a notice that a full reading of this ordinance is dispensed with prior to its final passage, since a written or printed copy will be available to the City Council and *the public a day prior to its final passage.*

The rooming housing ordinance takes effect outside the Coastal Overlay Zone 30 days after final passage; inside the Coastal Overlay Zone it takes effect upon unconditional certification by the California Coastal Commission.

A complete copy of the rooming house ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 C Street, San Diego, CA 92101.

MG:ca
2/06/08
Or.Dept: City Attorney
O-2008-61

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE REGARDING THE REGULATION OF ROOMING HOUSES AMENDING THE SAN DIEGO MUNICIPAL CODE BY AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1, BY AMENDING SECTION 113.0103; BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 1, BY AMENDING SECTION 131.0112; DIVISION 2, BY AMENDING SECTION 131.0222; DIVISION 3, BY AMENDING SECTION 131.0322; DIVISION 4, BY AMENDING SECTIONS 131.0422 AND 131.0423; DIVISION 5, BY AMENDING SECTION 131.0522; DIVISION 6, BY AMENDING SECTION 131.0622; AND, BY AMENDING CHAPTER 14, ARTICLE 2, DIVISION 5, BY AMENDING SECTION 142.0525.

WHEREAS, the purpose of residential-single (RS) unit zones is to provide for areas of residential development that promote neighborhood quality, character, and livability, and minimizes adverse impacts to adjacent properties; and, that the purpose of residential-multiple (RM) unit zones is to accommodate specific dwelling types and developments with similar characteristics, and to respond to locational issues regarding adjacent land uses; and

WHEREAS, commercial overuse of dwelling units particularly in residential-single (RS) unit zones, has been a chronic and growing problem adversely impacting neighborhood quality, character, and livability incompatible with the purposes of both the RS unit zones and with the lower density RM-1 and RM-2 unit zones; and

WHEREAS, the commercial overuse of dwelling units particularly in RS unit zones, is more compatible with the dwelling types and developments with similar characteristics in higher density residential-multiple RM-3 and RM-4 unit zones; and

WHEREAS, commercial overuse generally refers to a dwelling unit where three or more rooms are rented individually or separately, to tenants under separate rental agreements, or where rooms are rented individually or separately, resulting in multiple, independent living units where

tenants do not share common access or financial responsibility for use of the dwelling unit as a whole. The former is commonly referred to as a rooming house; the latter as a defacto rooming house; and

WHEREAS, a variety of public outreach tools including media coverage, email blasts, mailed public notices, published public notices, a dedicated web page, and public announcements have been used to encourage community participation in the development of strategies to address "rooming houses" and to widely distribute information related to proposed strategies; and

WHEREAS, a variety of public meetings and hearings have been held to allow for community input and participation in the development of strategies to address "rooming houses" including two public discussion forums (September 2006 and May 2007), nearly twenty presentations at community planning group meetings, three Land Use and Housing Committee meetings (November 2006, March 2007, October 2007), one Code Monitoring Team meeting (August 2007), two City Council hearings (July and November 2007), one Planning Commission meeting (September 2007), and two Community Planners Committee meetings (September and November 2007), which resulted in participation by hundreds of local residents and community leaders; and

WHEREAS, on July 9, 2007, the City Attorney briefed City Council on rooming house ordinance law in California, centering on a 2003 California Attorney General opinion that validated a City of Lompoc rooming house ordinance because its intent was to preserve the residential character of single dwelling unit zoned neighborhoods and to prohibit commercialized overuse of dwelling units in those zones. City Council then voted unanimously to direct the City Attorney to draft a rooming house ordinance for the City of San Diego.

WHEREAS, on September 6, 2007, Planning Commission considered and deliberated a draft rooming house ordinance and voted unanimously to recommend that City Council adopt the ordinance with certain amendments suggested through public testimony; and

WHEREAS, on November 19, 2007, City Council considered and deliberated a draft rooming house ordinance that reflected amendments suggested by the Planning Commission, and then voted for additional amendments; and

WHEREAS, the City wishes to establish a rooming house ordinance to address the chronic and growing problem of commercial overuse of dwelling units particularly in RS unit zones, to preserve neighborhood quality, character, and livability, compatible with the purposes of RS unit zones and with lower density RM-1 and RM-2 zones, and to more appropriately locate rooming houses in neighborhoods with similar densities and characteristics compatible the use of a dwelling unit as a rooming house; NOW, THEREFORE,

Section 1. That Chapter 11, Article 3, Division 1 of the San Diego Municipal Code [SDMC] is amended by amending section 113.0103 to read as follows:

§ 113.0103 Definitions

Abutting property through Roof Sign [No change in text.]

Rooming house means a *dwelling unit* where three or more rooms are rented individually or separately, to tenants under separate rental agreements. Housing protected by federal or state law, including housing for persons protected under the Fair Housing Act (42 USC section 3604 (f)) and the California Fair Housing Act (California Government Code section 12920 et seq.), or housing otherwise subject to the City's Separately Regulated Use regulations in Chapter 14, Article 1, shall not constitute a *rooming house*.

School through Yard [No change in text.]

Section 2. That Chapter 13, Article 1, Division 1 of the San Diego Municipal Code

[SDMC] is amended by amending section 113.0112 to read as follows:

§ 131.0112 Descriptions of Use Categories and Subcategories

(a) [No change in text.]

(1) through (2) [No change in text.]

(3) Residential Use Category. This category includes uses that provide living accommodations for one or more persons. The residential subcategories are:

(A) *Rooming houses.* Dwellings where rooms are rented, individually or separately, resulting in multiple, independent living units where tenants do not share common access or financial responsibility for use of the *dwelling unit* as a whole. Pursuant to Section 127.0102(d), all *previously conforming rooming houses* shall be unlawful three years from the effective date of Ordinance O-2008-61.

(B) through (D) [No change in text.]

(4) through (11) [No change in text.]

(b) [No change in text.]

Section 3. That Chapter 13, Article 1, Division 2 of the San Diego Municipal Code

[SDMC] is amended by amending section 131.0222 to read as follows:

§ 131.0222 Use Regulations Table for Open Space Zones

[No change in text.]

Table 131-02B
Use Regulations Table of Open Space Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones				
	1st & 2nd >>	OP-		OC-	OR ⁽¹⁾	OF ⁽¹²⁾
	3rd >>	1-	2-	1-	1-	1-
	4th >>	1	1	1	1 2	1
Open Space [No change in text.]						
Agriculture [No change in text.]						
Residential						
<i>Mobilehome Parks through Multiple Dwelling Units</i> [No change in text.]						
<i>Rooming House</i> [See Section 131.0112(a)(3)(A)]		-	-	-	-	-
<i>Single Dwelling Units</i>		-	-	-	P	-
Separately Regulated Residential Uses:						
<i>Boarder & Lodger Accommodations</i>		-	-	-	L	-
<i>Companion Units through Watchkeeper Quarters</i> [No change in text.]						
Institutional through Signs [No change in text.]						

[No change in footnotes.]

Section 4. That Chapter 13, Article 1, Division 3 of the San Diego Municipal Code

[SDMC] is amended by amending section 131.0322 to read as follows:

§ 131.0322 Use Regulations Table for Agricultural Zones

[No change in text.]

Table 131-03B
Use Regulations Table of Agricultural Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones			
	1st & 2nd >>	AG		AR	
	3rd >>	1-		1-	
	4th >>	1	2	1	2
Open Space [No change in text.]					
Agriculture [No change in text.]					
Residential					

<i>Mobilehome Parks through Multiple Dwelling Units</i> [No change in text.]		
<i>Rooming House</i> [See Section 131.0112(a)(3)(A)]	-	-
<i>Single Dwelling Units</i>	P ⁽¹⁾	P
Separately Regulated Residential Uses		
<i>Boarder & Lodger Accommodations</i>	-	L
<i>Companion Units through Watchkeeper Quarters</i> [No change in text.]		
Institutional through Signs [No change in text.]		
[No change in footnotes.]		

Section 5. That Chapter 13, Article 1, Division 4 of the San Diego Municipal Code

[SDMC] is amended by amending section 131.0422 to read as follows:

§ 131.0422 Use Regulations Table for Residential Zones

[No change in text.]

Table 131-04B
Use Regulations Table of Residential Zones

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																											
	1st & 2nd >>	RE-		RS-														RX-		RT-									
		3rd >>	1-		1-														1-		1-								
			4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4			
Open Space [No change in text.]																													
Agriculture																													
Agricultural Processing through Raising and Harvesting of Crops [No change in text.]																													
Raising, Maintaining & Keeping of Animals	p ⁽³⁾⁽⁹⁾	-																											
Separately Regulated Agricultural Uses [No change in text.]																													
Residential																													
Mobilehome Parks through Multiple Dwelling Units [No change in text.]																													
Rooming House [See Section 131.0112(a)(3)(A)]	-	-																											
Single Dwelling Units	P	P																											
Separately Regulated Residential Uses																													
Boarder & Lodger Accommodations	L	L																											
Companion Units through Watchkeeper Quarters [No change in text.]																													
Institutional through Signs [No change in text.]																													

Use Categories/ Subcategories	Zone Designator	Zones
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[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]

	RM-											
	1st & 2nd >>			3rd >>			4th >>					
	1	2	3	4	5	6	7	8	9	10	11	12
Open Space [No change in text.]												
Agriculture [No change in text.]												
Residential												
<i>Mobilehome Parks through Multiple Dwelling Units</i> [No change in text.]												
<i>Rooming House</i> [See Section 131.0112(a)(3)(A)]	-	-	-	-	-	-	P	P	P	P	P	P
<i>Single Dwelling Units</i>	P	P	P	P	P	P	P	P	P	P	P	P
Separately Regulated Residential Uses												
<i>Boarder & Lodger Accommodations</i>	L	L	L	L	L	L	L	L	L	L	L	L
<i>Companion Units through Watchkeeper Quarters</i> [No change in text.]												
Institutional [No change in text.]												
Sales												
<i>Building Supplies & Equipment</i> [No change in text.]												
<i>Food, Beverages and Groceries</i>	-	-	-	-	-	-	P ⁽⁸⁾	P ⁽⁸⁾	P ⁽⁸⁾	P ⁽⁸⁾	P ⁽⁸⁾	P ⁽⁸⁾
<i>Consumer Goods, Furniture, Appliances, Equipment through Pets and Pet Supplies</i> [No change in text.]												
<i>Sundries, Pharmaceuticals, & Convenience Sales</i>	-	-	-	-	-	-	P ⁽⁸⁾	P ⁽⁸⁾	P ⁽⁸⁾	P ⁽⁸⁾	P ⁽⁸⁾	P ⁽⁸⁾
<i>Wearing Apparel & Accessories</i> [No change in text.]												
Commercial												
<i>Building Services through Off-site Services</i> [No change in text.]												
<i>Personal Services</i>							P ⁽⁸⁾	P ⁽⁸⁾	P ⁽⁸⁾	P ⁽⁸⁾	P ⁽⁸⁾	P ⁽⁸⁾
<i>Assembly & Entertainment through Separately Regulated Commercial Services Uses</i> [No change in text.]												
Offices												
<i>Business & Professional through Government</i> [No change in text.]												
<i>Medical, Dental, & Health Practitioner</i>	-	-	-	-	-	-	P ⁽⁷⁾	P ⁽⁷⁾	P ⁽⁷⁾	P ⁽⁷⁾	P ⁽⁷⁾	P ⁽⁷⁾
<i>Regional & Corporate Headquarters</i> [No change in text.]												
Vehicular & Vehicular Equipment Sales & Service through Signs [No change in text.]												

Footnotes for Table 131-04B.

¹ through ⁶ [No change in text.]

⁷ See Section 131.0423(a).

8 See Section 131.0423(b).

9 Maintaining, raising, feeding, or keeping of 10 or more domestic animals requires a *premises* of at least 5 acres. Maintaining, raising, feeding, or keeping of swine is not permitted.

Section 6. That Chapter 13, Article 1, Division 4 of the San Diego Municipal Code [SDMC] is amended by amending section 131.0423 to read as follows:

§ 131.0423 Additional Use Regulations of Residential Zones

The following uses are permitted in the residential zones indicated in Table 131-04B, subject to the additional use regulations in this Section.

(a) through (b) [No change in text.]

Section 7. That Chapter 13, Article 1, Division 5 of the San Diego Municipal Code [SDMC] is amended by amending section 131.0522 to read as follows:

§ 131.0522 Use Regulations Table of Commercial Zones

[No change in text.]

Table 131-05B
Use Regulations Table for Commercial Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
		CN (1)-			CR-		CO-		CV-		CP-
		1-			1-	2-	1-		1-		1-
		1	2	3	1	1	1	2	1	2	1
Open Space [No change in text.]	1st & 2nd >>										
Agriculture [No change in text.]	3rd >>										
Residential	4th >>										
<i>Mobilehome Parks through Multiple Dwelling Units</i> [No change in text.]											
<i>Rooming House</i> [See Section 131.0112(a)(3)(A)]					P ⁽²⁾	P	-	P	P ⁽²⁾	-	-
<i>Single Dwelling Units</i>					-	-	-	-	-	-	-
Separately Regulated Residential Uses											
<i>Boarder & Lodger Accommodations</i>					L ⁽²⁾	L	-	L	L ⁽²⁾	-	-
<i>Companion Units through Watchkeeper Quarters</i> [No change in text.]											
Institutional through Signs [No change in text.]											

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																
		CC-																
		1-			2-			3-			4-			5-				
		1	2	3	1	2	3	4	5	1	2	3	4	5	1	2	3	4
Open Space [No change in text.]																		
Agriculture [No change in text.]																		
Residential																		
Mobilehome Parks through Multiple Dwelling Units																		
Rooming House [See Section 131.0112(a)(3)(A)]		P			-			P			P						P	
Single Dwelling Units		-			-			-			-						-	
Separately Regulated Residential Uses																		
Boarder & Lodger Accommodations		L			-			L			L						L	
Companion Units through Watchkeeper Quarters [No change in text.]																		
Institutional through Signs [No change in text.]																		
[No change in footnotes.]																		

Section 8. That Chapter 13, Article 1, Division 6 of the San Diego Municipal Code

[SDMC] is amended by amending section 131.0622 to read as follows:

§ 131.0622 Use Regulations Table for Industrial Zones

[No change in text.]

Table 131-06B

Use Regulations Table for Industrial Zones

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone designator	Zones								
		IP-			IL-			IH-		IS-
		1-	2-		1-	2-	3-	1-	2-	1-
		1	1	1	1	1	1	1	1	1
Open Space [No change in text.]										
Agriculture [No change in text.]										
Residential										
Mobilehome Parks through Multiple Dwelling Units [No change in text.]										
Rooming House [See Section 131.0112(a)(3)(A)]		-	-	-	-	-	-	-	-	-
Single Dwelling Units		-	-	-	-	-	-	-	-	-
Separately Regulated Residential Uses										
Boarder & Lodger Accommodations		-	-	-	-	-	-	-	-	-
Companion Units through Watchkeeper Quarters [No change in text.]		-	-	-	-	-	-	-	-	-
Institutional through Signs [No change in text.]										
[No change in footnotes.]										

Section 9. That Chapter 14, Article 2, Division 5 of the San Diego Municipal Code

[SDMC] is amended by amending section 142.0525 to read as follows:

§ 142.0525 Multiple Dwelling Unit Residential Uses — Required Parking Ratios

Table 142-05C
Minimum Required Parking Spaces for
Multiple Dwelling Units and Related and Accessory Uses

Multiple Dwelling Unit Type and Related and Accessory Uses	Automobile Spaces Required Per Dwelling Unit (Unless Otherwise Indicated)			Motorcycle Spaces Required Per Dwelling Unit	Bicycle ⁽⁵⁾ Spaces Required Per Dwelling Unit
	Basic ⁽¹⁾	Transit Area ⁽²⁾ or Very Low Income ⁽³⁾	Parking Impact ⁽⁴⁾		
Studio up to 400 square feet through Condominium conversion [No change in text.]					
<i>Rooming house</i>	1.0 per tenant	0.75 per tenant	1.0 per tenant	0.05 per tenant	0.30 per tenant
<i>Boarder & Lodger Accommodations</i>	1.0 per two <i>boarders or lodgers</i>	1.0 per two <i>boarders or lodgers</i>	1.0 per two <i>boarders or lodgers,</i> except 1.0 per <i>boarder or lodger</i> in beach impact area	-	-
Residential care facility through Accessory Uses [No change in text]					

[No change in footnotes.]

(b) through (d) [No change in text.]

Section 10. Pursuant to Public Resources Code section 21000 et. seq. the ordinance is categorically exempt pursuant to the following State CEQA Guidelines: 1) Section 15301, because the ordinance applies to existing facilities, 2) Section 15061(b)(3), because the ordinance will have no significant affect on the environment, and 3) Section 15378(a)(1), because the ordinance upon adoption will not result in any direct or indirect change to the physical environment.

Section 11. That a full reading of this ordinance is dispensed with prior to passage, since a written copy was made available to the City Council and the public prior to the day of its passage.

Section 12. This ordinance takes effect outside the Coastal Overlay Zone 30 days after final passage; inside the Coastal Overlay Zone it takes effect upon unconditional certification by the California Coastal Commission.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Marianne Greene
Marianne Greene
Deputy City Attorney

MG:mg
04/11/08
Or.Dept: City Attorney
O-2008-61 Rev.

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE REGARDING THE REGULATION OF ROOMING HOUSES AMENDING THE SAN DIEGO MUNICIPAL CODE BY AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1, BY AMENDING SECTION 113.0103; BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 1, BY AMENDING SECTION 131.0112; DIVISION 2, BY AMENDING SECTION 131.0222; DIVISION 3, BY AMENDING SECTION 131.0322; DIVISION 4, BY AMENDING SECTIONS 131.0422 AND 131.0423; DIVISION 5, BY AMENDING SECTION 131.0522; DIVISION 6, BY AMENDING SECTION 131.0622; AND, BY AMENDING CHAPTER 14, ARTICLE 2, DIVISION 5, BY AMENDING SECTION 142.0525.

WHEREAS, the purpose of residential-single (RS) unit zones is to provide for areas of residential development that promote neighborhood quality, character, and livability, and minimizes adverse impacts to adjacent properties; and, that the purpose of residential-multiple (RM) unit zones is to accommodate specific dwelling types and developments with similar characteristics, and to respond to locational issues regarding adjacent land uses; and

WHEREAS, commercial overuse of dwelling units particularly in residential-single (RS) unit zones, has been a chronic and growing problem adversely impacting neighborhood quality, character, and livability incompatible with the purposes of both the RS unit zones and with the lower density RM-1 and RM-2 unit zones; and

WHEREAS, the commercial overuse of dwelling units particularly in RS unit zones, is more compatible with the dwelling types and developments with similar characteristics in higher density residential-multiple RM-3 and RM-4 unit zones; and

WHEREAS, commercial overuse generally refers to a dwelling unit where three or more rooms are rented individually or separately, to tenants under separate rental agreements, or where rooms are rented individually or separately, resulting in multiple, independent living units where

tenants do not share common access or financial responsibility for use of the dwelling unit as a whole. The former is commonly referred to as a rooming house; the latter as a defacto rooming house; and

WHEREAS, a variety of public outreach tools including media coverage, email blasts, mailed public notices, published public notices, a dedicated web page, and public announcements have been used to encourage community participation in the development of strategies to address "rooming houses" and to widely distribute information related to proposed strategies; and

WHEREAS, a variety of public meetings and hearings have been held to allow for community input and participation in the development of strategies to address "rooming houses" including two public discussion forums (September 2006 and May 2007), nearly twenty presentations at community planning group meetings, three Land Use and Housing Committee meetings (November 2006, March 2007, October 2007), one Code Monitoring Team meeting (August 2007), two City Council hearings (July and November 2007), one Planning Commission meeting (September 2007), and two Community Planners Committee meetings (September and November 2007), which resulted in participation by hundreds of local residents and community leaders; and

WHEREAS, on July 9, 2007, the City Attorney briefed City Council on rooming house ordinance law in California, centering on a 2003 California Attorney General opinion that validated a City of Lompoc rooming house ordinance because its intent was to preserve the residential character of single dwelling unit zoned neighborhoods and to prohibit commercialized overuse of dwelling units in those zones. City Council then voted unanimously to direct the City Attorney to draft a rooming house ordinance for the City of San Diego.

WHEREAS, on September 6, 2007, Planning Commission considered and deliberated a draft rooming house ordinance and voted unanimously to recommend that City Council adopt the ordinance with certain amendments suggested through public testimony; and

WHEREAS, on November 19, 2007, City Council considered and deliberated a draft rooming house ordinance that reflected amendments suggested by the Planning Commission, and then voted for additional amendments; and

WHEREAS, the City wishes to establish a rooming house ordinance to address the chronic and growing problem of commercial overuse of dwelling units particularly in RS unit zones, to preserve neighborhood quality, character, and livability, compatible with the purposes of RS unit zones and with lower density RM-1 and RM-2 zones, and to more appropriately locate rooming houses in neighborhoods with similar densities and characteristics compatible the use of a dwelling unit as a rooming house; NOW, THEREFORE,

Section 1. That Chapter 11, Article 3, Division 1 of the San Diego Municipal Code [SDMC] is amended by amending section 113.0103 to read as follows:

§ 113.0103 Definitions

Abutting property through Roof Sign [No change in text.]

Rooming house means a *dwelling unit* where three or more rooms are rented individually or separately, to tenants under separate rental agreements. Housing protected by federal or state law, including housing for persons protected under the Fair Housing Act (42 USC section 3604 (f)) and the California Fair Housing Act (California Government Code section 12920 et seq.), or housing otherwise subject to the City's Separately Regulated Use regulations in Chapter 14, Article 1, shall not constitute a *rooming house*.

School through Yard [No change in text.]

Section 2. That Chapter 13, Article 1, Division 1 of the San Diego Municipal Code [SDMC] is amended by amending section 113.0112 to read as follows:

§ 131.0112 Descriptions of Use Categories and Subcategories

(a) [No change in text.]

(1) through (2) [No change in text.]

(3) Residential Use Category. This category includes uses that provide living accommodations for one or more persons. The residential subcategories are:

(A) *Rooming houses.* Dwellings where rooms are rented, individually or separately, resulting in multiple, independent living units where tenants do not share common access or financial responsibility for use of the *dwelling unit* as a whole. Pursuant to Section 127.0102(d), all *previously conforming rooming houses* shall be unlawful three years from the effective date of Ordinance O-2008-61.

(B) through (D) [No change in text.]

(4) through (11) [No change in text.]

(b) [No change in text.]

Section 3. That Chapter 13, Article 1, Division 2 of the San Diego Municipal Code [SDMC] is amended by amending section 131.0222 to read as follows:

§ 131.0222 Use Regulations Table for Open Space Zones

[No change in text.]

Table 131-02B
Use Regulations Table of Open Space Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones					
	1st & 2nd >>	OP-		OC-	OR ⁽¹⁾ -		OF ⁽¹²⁾ -
	3rd >>	1-	2-	1-	1-		1-
	4th >>	1	1	1	1	2	1
Open Space [No change in text.]							
Agriculture [No change in text.]							
Residential							
Mobilehome Parks through Multiple Dwelling Units [No change in text.]							
Rooming House [See Section 131.0112(a)(3)(A)]		-	-	-	-		-
Single Dwelling Units		-	-	-	P		-
Separately Regulated Residential Uses:							
Boarder & Lodger Accommodations		-	-	-	L		-
Companion Units through Watchkeeper Quarters [No change in text.]							
Institutional through Signs [No change in text.]							

[No change in footnotes.]

Section 4. That Chapter 13, Article 1, Division 3 of the San Diego Municipal Code

[SDMC] is amended by amending section 131.0322 to read as follows:

§ 131.0322 Use Regulations Table for Agricultural Zones

[No change in text.]

Table 131-03B
Use Regulations Table of Agricultural Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones			
	1st & 2nd >>	AG		AR	
	3rd >>	1-		1-	
	4th >>	1	2	1	2
Open Space [No change in text.]					
Agriculture [No change in text.]					
Residential					

<i>Mobilehome Parks through Multiple Dwelling Units</i> [No change in text.]		
<i>Rooming House</i> [See Section 131.0112(a)(3)(A)]	-	-
<i>Single Dwelling Units</i>	P ⁽¹⁾	P
Separately Regulated Residential Uses		
<i>Boarder & Lodger Accommodations</i>	-	L
<i>Companion Units through Watchkeeper Quarters</i> [No change in text.]		
Institutional through Signs [No change in text.]		
[No change in footnotes.]		

Section 5. That Chapter 13, Article 1, Division 4 of the San Diego Municipal Code [SDMC] is amended by amending section 131.0422 to read as follows:

§ 131.0422 Use Regulations Table for Residential Zones

[No change in text.]

Table 131-04B
Use Regulations Table of Residential Zones

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																											
	1st & 2nd >> 3rd >> 4th >>	RE-	RS-														RX-		RT-										
		1-	1-														1-		1-										
		1 2 3 1 2 3 4 5 6 7 8 9 10 11 12 13 14 1 2 1 2 3 4																											
Open Space [No change in text.]																													
Agriculture																													
Agricultural Processing through Raising and Harvesting of Crops [No change in text.]																													
Raising, Maintaining & Keeping of Animals		p ⁽³⁾⁽⁹⁾	-														-		-										
Separately Regulated Agricultural Uses [No change in text.]																													
Residential																													
Mobilehome Parks through Multiple Dwelling Units [No change in text.]																													
Rooming House [See Section 131.0112(a)(3)(A)]		-	-														-		-										
Single Dwelling Units		P	P														P		P										
Separately Regulated Residential Uses																													
Boarder & Lodger Accommodations		L	L														L		L										
Companion Units through Watchkeeper Quarters [No change in text.]																													
Institutional through Signs [No change in text.]																													

Use Categories/ Subcategories	Zone Designator	Zones
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[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]

	RM-											
	1st & 2nd >>											
	3rd >>			4th >>								
	1	2	3	4	5	6	7	8	9	10	11	12
Open Space [No change in text.]												
Agriculture [No change in text.]												
Residential												
<i>Mobilehome Parks through Multiple Dwelling Units</i> [No change in text.]												
<i>Rooming House</i> [See Section 131.0112(a)(3)(A)]	-			-			P			P		P
<i>Single Dwelling Units</i>	P			P			P			P		-
Separately Regulated Residential Uses												
<i>Boarder & Lodger Accommodations</i>	L			L			L			L		L
<i>Companion Units through Watchkeeper Quarters</i> [No change in text.]												
Institutional [No change in text.]												
Sales												
<i>Building Supplies & Equipment</i> [No change in text.]												
<i>Food, Beverages and Groceries</i>	-			-			p ⁽⁸⁾			p ⁽⁸⁾		p ⁽⁸⁾
<i>Consumer Goods, Furniture, Appliances, Equipment through Pets and Pet Supplies</i> [No change in text.]												
<i>Sundries, Pharmaceuticals, & Convenience Sales</i>	-			-			p ⁽⁸⁾			p ⁽⁸⁾		p ⁽⁸⁾
<i>Wearing Apparel & Accessories</i> [No change in text.]												
Commercial												
<i>Building Services through Off-site Services</i> [No change in text.]												
<i>Personal Services</i>							p ⁽⁸⁾			p ⁽⁸⁾		p ⁽⁸⁾
<i>Assembly & Entertainment through Separately Regulated Commercial Services Uses</i> [No change in text.]												
Offices												
<i>Business & Professional through Government</i> [No change in text.]												
<i>Medical, Dental, & Health Practitioner</i>	-			-			p ⁽⁷⁾			p ⁽⁷⁾		-
<i>Regional & Corporate Headquarters</i> [No change in text.]												
Vehicular & Vehicular Equipment Sales & Service through Signs [No change in text.]												

Footnotes for Table 131-04B.

¹ through ⁶ [No change in text.]

⁷ See Section 131.0423(a).

8

See Section 131.0423(b).

9

Maintaining, raising, feeding, or keeping of 10 or more domestic animals requires a *premises* of at least 5 acres. Maintaining, raising, feeding, or keeping of swine is not permitted.

Section 6. That Chapter 13, Article 1, Division 4 of the San Diego Municipal Code

[SDMC] is amended by amending section 131.0423 to read as follows:

§ 131.0423 Additional Use Regulations of Residential Zones

The following uses are permitted in the residential zones indicated in

Table 131-04B, subject to the additional use regulations in this Section.

(a) through (b) [No change in text.]

Section 7. That Chapter 13, Article 1, Division 5 of the San Diego Municipal Code

[SDMC] is amended by amending section 131.0522 to read as follows:

§ 131.0522 Use Regulations Table of Commercial Zones

[No change in text.]

Table 131-05B
Use Regulations Table for Commercial Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
		CN (1)-			CR-		CO-		CV-		CP-
		1-			1-	2-	1-		1-		1-
		1	2	3	1	1	1	2	1	2	1
Open Space [No change in text.]	1st & 2nd >>										
Agriculture [No change in text.]	3rd >>										
Residential	4th >>										
<i>Mobilehome Parks through Multiple Dwelling Units</i> [No change in text.]											
<i>Rooming House</i> [See Section 131.0112(a)(3)(A)]		p ⁽²⁾			P	-	P		p ⁽²⁾		-
<i>Single Dwelling Units</i>		-			-	-	-		-		-
Separately Regulated Residential Uses											
<i>Boarder & Lodger Accommodations</i>		L ⁽²⁾			L	-	L		L ⁽²⁾		-
<i>Companion Units through Watchkeeper Quarters</i> [No change in text.]											
<i>Institutional through Signs</i> [No change in text.]											

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																								
		CC-																								
		1-					2-					3-					4-					5-				
		1	2	3	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5		
Open Space	[No change in text.]																									
Agriculture	[No change in text.]																									
Residential																										
Mobilehome Parks through Multiple Dwelling Units																										
Rooming House [See Section 131.0112(a)(3)(A)]		P						P						P										P		
Single Dwelling Units		-						-						-										-		
Separately Regulated Residential Uses																										
Boarder & Lodger Accommodations		L						L						L										L		
Companion Units through Watchkeeper Quarters [No change in text.]																										
Institutional through Signs	[No change in text.]																									
[No change in footnotes.]																										

Section 8. That Chapter 13, Article 1, Division 6 of the San Diego Municipal Code

[SDMC] is amended by amending section 131.0622 to read as follows:

§ 131.0622 Use Regulations Table for Industrial Zones

[No change in text.]

Table 131-06B

Use Regulations Table for Industrial Zones

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone designator	Zones							
		IP-		IL-			IH-		IS-
		1-	2-	1-	2-	3-	1-	2-	1-
		1	1	1	1	1	1	1	1
Open Space [No change in text.]									
Agriculture [No change in text.]									
Residential									
Mobilehome Parks through Multiple Dwelling Units [No change in text.]									
Rooming House [See Section 131.0112(a)(3)(A)]		-	-	-	-	-	-	-	-
Single Dwelling Units		-	-	-	-	-	-	-	-
Separately Regulated Residential Uses									
Boarder & Lodger Accommodations		-	-	-	-	-	-	-	-
Companion Units through Watchkeeper Quarters [No change in text.]		-	-	-	-	-	-	-	-
Institutional through Signs [No change in text.]									
[No change in footnotes.]									

Section 9. That Chapter 14, Article 2, Division 5 of the San Diego Municipal Code

[SDMC] is amended by amending section 142.0525 to read as follows:

§ 142.0525 Multiple Dwelling Unit Residential Uses — Required Parking Ratios

Table 142-05C
Minimum Required Parking Spaces for
Multiple Dwelling Units and Related and Accessory Uses

Multiple Dwelling Unit Type and Related and Accessory Uses	Automobile Spaces Required Per Dwelling Unit (Unless Otherwise Indicated)			Motorcycle Spaces Required Per Dwelling Unit	Bicycle ⁽⁵⁾ Spaces Required Per Dwelling Unit
	Basic ⁽¹⁾	Transit Area ⁽²⁾ or Very Low Income ⁽³⁾	Parking Impact ⁽⁴⁾		
Studio up to 400 square feet through Condominium conversion [No change in text.]					
Rooming house	1.0 per tenant	0.75 per tenant	1.0 per tenant	0.05 per tenant	0.30 per tenant
Boarder & Lodger Accommodations	1.0 per two boarders or lodgers	1.0 per two boarders or lodgers	1.0 per two boarders or lodgers, except 1.0 per boarder or lodger in beach impact area		
Residential care facility through Accessory Uses [No change in text]					

[No change in footnotes.]

(b) through (d) [No change in text.]

Section 10. Pursuant to Public Resources Code section 21000 et. seq. the ordinance is categorically exempt pursuant to the following State CEQA Guidelines: 1) Section 15301, because the ordinance applies to existing facilities, 2) Section 15061(b)(3), because the ordinance will have no significant affect on the environment, and 3) Section 15378(a)(1), because the ordinance upon adoption will not result in any direct or indirect change to the physical environment.

Section 11. That a full reading of this ordinance is dispensed with prior to passage, since a written copy was made available to the City Council and the public prior to the day of its passage.

Section 12. This ordinance takes effect outside the Coastal Overlay Zone 30 days after final passage; inside the Coastal Overlay Zone it takes effect upon unconditional certification by the California Coastal Commission.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Marianne Greene
Marianne Greene
Deputy City Attorney

MG:mg

04/11/08

Or.Dept: City Attorney

O-2008-61 Rev. SO

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

OLD LANGUAGE; ~~STRIKEOUT~~
NEW LANGUAGE: DOUBLE UNDERSCORE

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE REGARDING THE REGULATION OF ROOMING HOUSES AMENDING THE SAN DIEGO MUNICIPAL CODE BY AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1, BY AMENDING SECTION 113.0103; BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 1, BY AMENDING SECTION 131.0112; DIVISION 2, BY AMENDING SECTION 131.0222; DIVISION 3, BY AMENDING SECTION 131.0322; DIVISION 4, BY AMENDING SECTIONS 131.0422 AND 131.0423; DIVISION 5, BY AMENDING SECTION 131.0522; DIVISION 6, BY AMENDING SECTION 131.0622; AND, BY AMENDING CHAPTER 14, ARTICLE 2, DIVISION 5, BY AMENDING SECTION 142.0525.

§ 113.0103 Definitions

Abutting property through Roof Sign [No change in text.]

Rooming house means a dwelling unit where three or more rooms are rented individually or separately, to tenants under separate rental agreements. Housing protected by federal or state law, including housing for persons protected under the Fair Housing Act (42 USC section 3604 (f)) and the California Fair Housing Act (California Government Code section 12920 et seq.), or housing otherwise subject to the City's Separately Regulated Use regulations in Chapter 14, Article 1, shall not constitute a rooming house.

School through Yard [No change in text.]

§ 131.0112 Descriptions of Use Categories and Subcategories

(a) [No change in text.]

(1) through (2) [No change in text.]

(3) Residential Use Category

This category includes uses that provide living accommodations for one or more persons. The residential subcategories are:

(A) Rooming houses ~~Group Living Accommodations~~ —

Dwellings where rooms are rented individually or separately, resulting in multiple, independent living units where tenants do not share common access or financial responsibility for use of the dwelling unit as a whole.

~~multiple residents share living accommodations and facilities and where meals or other services are provided.~~

Pursuant to Section 127.0102(d), all previously conforming rooming houses shall be unlawful three years from the effective date of Ordinance O-2008-61.

(B) through (D) [No change in text.]

(4) through (11) [No change in text.]

(b) [No change in text.]

§ 131.0222 Use Regulations Table for Open Space Zones

[No change in text.]

**Table 131-02B
Use Regulations Table of Open Space Zones**

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator		Zones							
	1st & 2nd >>		OP-		OC-		OR ⁽¹⁾ -		OF ⁽¹²⁾ -	
	3rd >>		1-	2-	1-		1-		1-	
	4th >>		1	1	1		1	2	1	

Open Space [No change in text.]					
Agriculture [No change in text.]					
Residential					
Group Living Accommodations	-	-	-	-	-
Mobilehome Parks through Multiple Dwelling Units [No change in text.]					
Rooming House [See Section 131.0112(a)(3)(A)]	=	=	=	=	=
Single Dwelling Units	-	-	-	P	-
Separately Regulated Residential Uses:					
Boarder & Lodger Accommodations	-	-	-	L	-
Companion Units through Watchkeeper Quarters [No change in text.]					
Institutional through Signs [No change in text.]					

[No change in footnotes.]

§ 131.0322 Use Regulations Table for Agricultural Zones

[No change in text.]

Table 131-03B
Use Regulations Table of Agricultural Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones			
		AG		AR	
		1-		1-	
		1	2	1	2
Open Space [No change in text.]					
Agriculture [No change in text.]					
Residential					
Group Living Accommodations		-		-	
Mobilehome Parks through Multiple Dwelling Units [No change in text.]					
Rooming House [See Section 131.0112(a)(3)(A)]		=		=	
Single Dwelling Units		P ⁽¹⁾		P	
Separately Regulated Residential Uses					
Boarder & Lodger Accommodations		-		L	
Companion Units through Watchkeeper Quarters [No change in text.]					
Institutional through Signs [No change in text.]					

[No change in footnotes.]

§ 131.0422 Use Regulations Table for Residential Zones

[No change in text.]

Table 131-04B
Use Regulations Table of Residential Zones

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designation		Zones																							
	1st & 2nd >>	RE-	RS-												RX-		RT-									
		3rd >>	1-	1-												1-		1-								
		4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4	
Open Space [No change in text.]																										
Agriculture																										
Agricultural Processing through Raising and Harvesting of Crops [No change in text.]																										
Raising, Maintaining & Keeping of Animals																										
Separately Regulated Agricultural Uses [No change in text.]																										
Residential																										
Group Living Accommodations																										
Mobilehome Parks through Multiple Dwelling Units [No change in text.]																										
Rooming House [See Section 131.0112(a)(3)(A)]																										
Single Dwelling Units																										
Separately Regulated Residential Uses																										
Boarder & Lodger Accommodations																										
Companion Units through Watchkeeper Quarters [No change in text.]																										
Institutional through Signs [No change in text.]																										

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator		Zones											
	1st & 2nd >>		RM-											
	3rd >>		1-			2-			3-			4-		5-
	4th >>		1	2	3	4	5	6	7	8	9	10	11	12
Open Space [No change in text.]														
Agriculture [No change in text.]														
Residential														
Group Living Accommodations			P ⁽⁷⁾			P ⁽⁷⁾			P ⁽⁷⁾			P ⁽⁷⁾		P ⁽⁷⁾
Mobilehome Parks through Multiple Dwelling Units														

[No change in text.]					
<u>Rooming House</u> [See Section 131.0112(a)(3)(A)]	=	=	P	P	P
<u>Single Dwelling Units</u>	P	P	P	P	-
Separately Regulated Residential Uses					
<u>Boarder & Lodger Accommodations</u>	L	L	L	L	L
Companion Units through Watchkeeper Quarters [No change in text.]					
Institutional [No change in text.]					
Sales					
<u>Building Supplies & Equipment</u> [No change in text.]					
<u>Food, Beverages and Groceries</u>	-	-	P ⁽⁹⁾⁽⁸⁾	P ⁽⁹⁾⁽⁸⁾	P ⁽⁹⁾⁽⁸⁾
<u>Consumer Goods, Furniture, Appliances, Equipment through Pets and Pet Supplies</u> [No change in text.]					
<u>Sundries, Pharmaceuticals, & Convenience Sales</u>	-	-	P ⁽⁹⁾⁽⁸⁾	P ⁽⁹⁾⁽⁸⁾	P ⁽⁹⁾⁽⁸⁾
<u>Wearing Apparel & Accessories</u> [No change in text.]					
Commercial					
<u>Building Services through Off-site Services</u> [No change in text.]					
<u>Personal Services</u>			P ⁽⁹⁾⁽⁸⁾	P ⁽⁹⁾⁽⁸⁾	P ⁽⁹⁾⁽⁸⁾
<u>Assembly & Entertainment through Separately Regulated Commercial Services Uses</u> [No change in text.]					
Offices					
<u>Business & Professional through Government</u> [No change in text.]					
<u>Medical, Dental, & Health Practitioner</u>	-	-	P ⁽⁸⁾⁽⁷⁾	P ⁽⁸⁾⁽⁷⁾	-
<u>Regional & Corporate Headquarters</u> [No change in text.]					
Vehicular & Vehicular Equipment Sales & Service through Signs [No change in text.]					

Footnotes for Table 131-04B.

¹ through ⁶ [No change in text.]

⁷ See Section 131.0423(e).

⁸ ⁷ See Section 131.0423(a).

⁹ ⁸ See Section 131.0423(b).

¹⁰ ⁹ Maintaining, raising, feeding, or keeping of 10 or more domestic animals requires a *premises* of at least 5 acres. Maintaining, raising, feeding, or keeping of swine is not permitted.

§ 131.0423 Additional Use Regulations of Residential Zones

The following uses are permitted in the residential zones indicated in
Table 131-04B, subject to the additional use regulations in this Section.

(a) through (b) [No change in text.]

(c) ~~Group living accommodations are permitted subject to the following:~~

(1) ~~Group living accommodations shall not contain more than 5 guest~~

~~rooms.~~

(2) ~~No more than 2 renters per guest room are permitted.~~

(3) ~~Meals may be provided for renters only.~~

(4) ~~Renters of guest rooms must reside on the premises for at least 7
consecutive calendar days.~~

§ 131.0522 Use Regulations Table of Commercial Zones

[No change in text.]

**Table 131-05B
Use Regulations Table for Commercial Zones**

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
		CN (1)-			CR-		CO-		CV-		CP-
		1-			1-	2-	1-		1-		1-
		1	2	3	1	1	1	2	1	2	1
Open Space [No change in text.]	1st & 2nd >> 3rd >> 4th >>										
Agriculture [No change in text.]											
Residential											
Group Living Accommodations		-	-	-	-	-	-	-	-	-	-
Mobilehome Parks through Multiple Dwelling Units [No change in text.]											
Rooming House [See Section 131.0112(a)(3)(A)]		P ⁽²⁾	P	-	P	-	P	-	P ⁽²⁾	-	-
Single Dwelling Units		-	-	-	-	-	-	-	-	-	-
Separately Regulated Residential Uses											
Boarder & Lodger Accommodations		L ⁽²⁾	L	-	L	-	L	-	L ⁽²⁾	-	-

§ 131.0622 Use Regulations Table for Industrial Zones

[No change in text.]

Table 131-06B

Use Regulations Table for Industrial Zones

§ 142.0525 Multiple Dwelling Unit Residential Uses — Required Parking Ratios

Table 142-05C

**Minimum Required Parking Spaces for
Multiple Dwelling Units and Related and Accessory Uses**

Multiple Dwelling Unit Type and Related and Accessory Uses	Automobile Spaces Required Per Dwelling Unit (Unless Otherwise Indicated)			Motorcycle Spaces Required Per Dwelling Unit	Bicycle ⁽⁵⁾ Spaces Required Per Dwelling Unit
	Basic ⁽¹⁾	Transit Area ⁽²⁾ or Very Low Income ⁽³⁾	Parking Impact ⁽⁴⁾		
Studio up to 400 square feet through Condominium conversion [No change in text.]					
<u>Rooming house</u> Rooming and Boarding House	<u>1.0 per tenant</u> <i>boarder</i>	<u>0.75 per tenant</u> <i>boarder</i>	<u>1.0 per tenant</u> <i>boarder</i>	<u>0.05 per tenant</u> <i>boarder</i>	<u>0.30 per tenant</u> <i>boarder</i>
<u>Boarder & Lodger Accommodations</u>	<u>1.0 per two</u> <i>boarders or lodgers</i>	<u>1.0 per two</u> <i>boarders or lodgers</i>	<u>1.0 per two boarders</u> <u>or lodgers.</u> <u>except 1.0 per boarder</u> <u>or lodger in beach</u> <u>impact area</u>	=	=
Residential care facility through Accessory Uses [No change in text]					

[No change in footnotes.]

(b) through (d) [No change in text.]

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